

## **Victim Rights: Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

In accordance with the Clery Act and the Violence Against Women Act, when a student or employee reports to Harding University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the following information, services, and resources are available.

### **Prevention Programs: Harding University's commitment to providing a safe campus**

Harding University offers a mandatory online training program to new students and employees designed to promote awareness of dating violence, domestic violence, sexual assault, and stalking. The training program also informs and educates victims about procedures that will be followed and the rights afforded to them. Information in this online training program is available to students and employee on Canvas via Pipeline.

The Department of Public Safety offers Rape Aggression Defense classes at least twice a year. The classes are designed to enhance students' and employees' safety and to increase awareness in how to avoid potentially dangerous situations.

The Department of Public Safety also offers training for Behavioral Intervention at least once a year. This class is designed (1) to promote awareness of dating violence, domestic violence, sexual assault, and stalking and (2) to provide information and guidance on how to safely intervene when confronted with these or similar occurrences.

Brochures regarding sexual violence prevention are available in the Department of Public Safety, Office of Student Life, and the Counseling Center.

### **Immunity**

Students who believe they are victims of dating violence, domestic violence, sexual assault, or stalking may obtain redress through University procedures. Complainants and witnesses who report or participate in an investigation of dating violence, domestic violence, sexual assault, or stalking will not be subject to disciplinary sanctions, such as suspension or probation, for violations of the code of conduct that occurred at or near the time of the incident.

### **Procedures for Victims**

The following procedures apply to acts of dating violence, domestic violence, sexual assault, and/or stalking:

1. After acts of violence, assault, and stalking, it is crucial to preserve evidence. In the event of a sexual assault, a victim, to preserve evidence, should not bathe or change clothes until he or she has contacted the Department of Public Safety or public law enforcement authorities.
2. The incident may be reported to the Department of Public Safety in person or by calling 501-279-5000. The victim's RA, RLC, or immediate supervisor (if an employee) can also assist in contacting the Department of Public Safety.
3. A victim may:
  - a. Personally notify appropriate law enforcement authorities. (Contact Searcy Police Department for incidents occurring within the city limits.)

- b. Be assisted by Harding University officials in contacting local authorities, if a victim asks. A victim reporting the crime may press charges immediately, at a later date, or not at all. The filing of criminal or civil charges against the alleged offender may not preclude disciplinary actions by Harding University if University students or employees are involved in the incident.
  - c. Decline to notify law enforcement authorities.
4. Harding University will assist persons who have obtained orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil or tribal courts. The Department of Public Safety will assist in notifying the Searcy Police Department for enforcement of such lawful orders.
5. Claims made against a student should be filed with the Office of Student Life in Student Center 218. Claims made against a faculty or staff member should be filed with the Office of Human Resources in the Ezell Building, room 130.

### **Confidentiality**

As defined in 42 U.S.C. 13925(a)(20), Harding University will remove identifying information about victims from records made available to the public.

Harding University will keep as confidential any accommodations or protective measures provided to a victim, to the extent that maintaining such confidentiality would not impair Harding's ability to provide the accommodations or protective measures.

### **Existing Services Available to Victims**

Harding University provides annual written notification to students and employees regarding services available to victims of violence, assault, and stalking through (1) the Annual Security Report and (2) through an online training program. The services include:

**Counseling/ Mental Health Assistance:** Victims of sexual assault may feel the need for personal counseling. Free counseling services are provided on campus by licensed professional counselors. Harding University officials may assist in arranging off-campus counseling services when preferred. Cost of off-campus counseling services is the responsibility of the student or employee. Mental health issues that require inpatient treatment may be treated by the Unity Health Compass Unit located at 1200 S. Main Street in Searcy (501-278-3100).

**Health:** Harding University maintains a health care center for all students under the supervision of a registered nurse. Student Health Services provides care for illness, accidents, and emergencies that can be adequately treated by registered nurses. There are no fees for treatments or medications, with the exceptions of allergy shots and some vaccines (influenza, hepatitis A, hepatitis B, tetanus, tuberculosis skin tests). The facility is located at 115 Dr. Jimmy Carr Drive. Call 501-279-4346 (campus extension 4346). Dial 0 to speak to the receptionist.

For emergency care, Unity Health maintains a 24-hour emergency facility located at 3214 E. Race Street in Searcy (501-268-6121).

**Victim Advocacy:** White County Domestic Violence Prevention, Inc. provides victim advocacy assistance and also operates Hope Cottage battered women's facility. The hotline number is 501-278-4673.

**Legal Assistance:** Free legal assistance may be obtained from the Center for Arkansas Legal Services located at 1300 W. 6<sup>th</sup> Street, Little Rock, AR 72201. The phone number is 800-952-9243.

**Visa/Immigration Assistance:** Visa and immigration assistance, as well as assistance with filing Violence Against Women petitions, is available through Catholic Charities Immigration Services located at 2500 N. Tyler Street, Little Rock, AR 72217. The phone number is 501-664-0340, ext. 314.

**Financial Aid:** The Harding University Office of Financial Aid can provide victims with financial aid-related services and information, such as how to apply for a leave of absence or about options for addressing concerns about loan repayment terms and conditions.

### **Accommodations for Victims**

Harding University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations. Such requests will be met within reason if the victim requests them regardless of whether the victim chooses to report the crime to law enforcement authorities.

### **Student Proceedings**

Complaints will receive a prompt and equitable response. The right to confidentiality of all members of the academic community will be respected, insofar as is possible.

The Office of Student Life will conduct an investigation. If, as a result of the investigation, it is determined that disciplinary procedures are warranted by a preponderance of the evidence, the accused will be advised of what disciplinary actions will be taken. "Preponderance of the evidence" means "more likely than not."

The accuser and the accused may be accompanied by an advisor of their choice to any related meeting or proceeding. The advisor is not allowed to present information or speak during the formal proceedings.

A proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

### **Student Notification**

Results of the investigation will be made available in a timely manner to both parties. After any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking, the accuser and the accused will be simultaneously informed in writing of the specific charge(s) being made, the penalty imposed, and the right to an appeal before the Student Life Committee, consistent with existing procedures. Both parties will be notified simultaneously in the event any changes are made to the final result.

Proceedings are conducted by officials trained to deal with issues related to dating violence, domestic violence, sexual assault, and stalking, and to conduct an investigation/hearing process that protects all persons involved and promotes accountability.

### **Student Appeal Process**

1. The accuser or accused will have 24 hours after notification to file a written request for an appeal with the Office of Student Life.
2. An appeal will be scheduled in front of the Student Life Committee. A quorum for the committee shall consist of six or more members.
3. Students who do not appear within 15 minutes of their scheduled appeal will forfeit their right to appeal.
4. The appeal will be conducted in a fair and reasonable manner.
5. The appeal will be audio recorded.

6. The appeal will be open to the appealing party, an advisor by choice of the appealing party, and representatives of the Office of Student Life. Advisors are not permitted to present information or speak during the appeal. Only witnesses, with relevant evidence to present, may testify from each side. All witnesses are required to affirm the truth of their testimonies.
7. Presentation of evidence will be as follows:
  - a. Evidence that supports the decision made by the Office of Student Life
  - b. Evidence of innocence or mitigation by the appealing party
  - c. Rebuttal evidence by both parties
  - d. Closing statement by both parties
8. The non-appealing accuser or accused will have equal opportunity to present relevant witnesses and other evidence to the Student Life Committee. Cross-examination between accused and accuser is not allowed.
9. Following the appeal, the Student Life Committee, by majority vote, will decide on the case. The accuser and the accused will be simultaneously notified in writing of the decision. The decision of the Student Life Committee will be final.

### **Student Disciplinary Sanctions**

Any or all of the following may be imposed for a given infraction.

- **Warning:** a written or verbal reprimand.
- **Disciplinary Probation:** probation for a specific period of time. It may carry with it other conditions to be met (e.g., restriction of participation in extracurricular activities, restriction from holding student office, restriction from joining student organizations, etc.)
- **Special Action:** designed to enhance the educational intent of the disciplinary process. Examples include: change in University housing and restriction of residential privileges, payment of damages, extracurricular activity restrictions, community service, educational sanctions, and counseling referrals.
- **Suspension:** a bar from attending the University for a specific period of time. Suspension carries with it the following conditions:
  - a. Suspended students must remain off campus during the period of the suspension.
  - b. Suspended students may not live or board in University facilities.
- **Expulsion:** a permanent bar from attending the University.

### **Protective Measures**

In addition to reporting incidents, students who believe they are victims of dating violence, domestic violence, sexual assault, or stalking may:

- a. take advantage of free training and education programs offered by the Department of Public Safety;
- b. request options for and assistance with changing academic, living, transportation, and working situations when reasonably available;
- c. request that Harding University issue a letter of “no contact” against another student;
- d. contact the University Counseling Center for an appointment with a professional counselor.